

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ELAINE ROSE GUEVARA,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHRISTINE MARIE LANNING,

Respondent-Appellant.

UNPUBLISHED

October 21, 2003

No. 246240

Wayne Circuit Court

Family Division

LC No. 00-390261

Before: Bandstra, P.J., and Hoekstra and Borrello, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i) and (g). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J);¹ *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). It was undisputed that, in the twenty-nine months the child was in foster care, respondent did not obtain suitable housing despite numerous referrals to housing agencies and significant assistance from petitioner's caseworkers. Thus, the evidence clearly demonstrated that the condition that led to adjudication, unsuitable housing, had not been rectified by the time of trial. Furthermore, because the evidence demonstrated that respondent made no progress in finding a suitable home for the child in twenty-nine months, there was no reasonable likelihood that she would be able to do so within a reasonable time. The evidence also did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Finally, we disagree with respondent's argument that the evidentiary standards set forth in MCR 3.977(F), rather than those in MCR 3.977(G), applied to the instant case. While the trial court opined that respondent's mental health affected her ability to maintain suitable housing and properly care for her child, this finding was not central to the court's termination of parental

¹ Formerly MCR 5.974(I).

rights. The trial court's decision was based on respondent's inability, for whatever reason, to maintain suitable housing and properly care for her child, which were the exact circumstances that led the court to take jurisdiction. Therefore, the trial court properly terminated respondent's parental rights under MCR 3.977(G).

Affirmed.

/s/ Richard A. Bandstra

/s/ Joel P. Hoekstra

/s/ Stephen L. Borrello